



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIET MIRANDA,
Plaintiff,
-against-
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

19-CV-10387 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On August 28, 2020, the Commissioner moved pursuant to Fed. R. Civ. P. 12(c) for judgment on the pleadings remanding this action to the Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). (Dkt. No. 16.) The Commissioner concedes that the Administrative Law Judge violated the treating physician rule, such that remand for reassessment of plaintiff's residual functional capacity is warranted. (Dkt. No. 17 at 12.)

Plaintiff's brief in response to the Commissioner's motion for judgment of pleadings was due "within 60 days of the filing of the Commissioner's motion" (Dkt. No. 8), making the deadline October 27, 2020. Plaintiff has not filed any responsive papers. Nor has she stipulated to the remand sought by the Commissioner. The Court's docket does not reveal whether the parties have discussed a stipulated remand.

In light of the plaintiff's *pro se* status, the Court hereby EXTENDS her deadline to respond to the Commissioner's motion to **November 25, 2020**.

In light of the fact the Commissioner has requested a remand – which, barring rare circumstances, is precisely the relief obtained when a plaintiff *successfully* challenges a decision by the Social Security Administration denying disability benefits – the Court directs the parties to meet and confer (remotely) in good faith to determine whether plaintiff wishes to so stipulate.

The Commissioner shall promptly contact plaintiff for this purpose. If no remand stipulation has been filed by November 25, 2020, the Commissioner shall file a status letter updating the Court as to whether the parties met and conferred on this issue and, if so, the outcome of their discussions.

Chambers staff will mail a copy of this Order to the *pro se* plaintiff.

Dated: New York, New York
November 2, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge